

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Board of Veterinary Medicine TITLE NUMBER: 26

CITE AUTHORITY: 30-10-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 3

TITLE OF RULE BEING AMENDED: Registration of Veterinary Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



Authorized Signature

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TITLE 26
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF VETERINARY MEDICINE
SERIES 3
REGISTRATION OF VETERINARY TECHNICIANS

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§26-3-1. General.

1.1. Scope. -- ~~These rules establish~~ This rule establishes the procedures by which Veterinary Technicians may be registered and regulated by the West Virginia Board of Veterinary Medicine.

1.2. Authority. -- W. Va. Code §30-10-7

1.3. Filing Date. -- ~~April 28, 1992~~

1.4. Effective Date. -- ~~April 28, 1992~~

§26-3-2. Registration of Veterinary Technicians.

2.1. As used in ~~these~~ this rules, unless otherwise provided, the term "Registered Veterinary Technician" means a person registered by the Board to work under the direct supervision of a licensed veterinarian on the premises. A technician's principal function is to assist the veterinarian. Veterinary Technicians shall not perform surgery, make diagnoses, or prescribe medications.

2.2. The West Virginia Board of Veterinary Medicine shall examine and register persons who are skilled in the science of Veterinary Technology.

2.3. No person may use the term, be addressed as or referred to with respect to veterinary medicine as a "veterinary technician" or a "technician" unless he or she has complied with the requirements for registration by the Board of Veterinary Medicine, and is currently authorized by the Board of Veterinary Medicine to use the title of "Registered Veterinary Technician, or "R.V.T.".

§26-3-3. Boards Authority

3.1. The Board has exclusive jurisdiction:

(a) To determine the eligibility of applicants for registration;

(b) To enter into agreements of reciprocal registration with registration agencies of other states;

(c) To determine the content and frequency of examinations for registration;

(d) To grant, suspend, revoke or refuse to grant registration upon a showing of proper cause as provided in this rule;

(e) To promulgate, amend and repeal such reasonable rules ~~and regulations~~ regarding ethical standards of conduct, which ~~rules and regulations~~ shall be promulgated, amended, or repealed in accordance with the provisions of W. Va. Code §29A-3-1, et seq.

~~2.3.~~ **3.4. Registration requirements** - Any person desiring to be registered as a veterinary technician shall complete and file an application, on a form provided by the Board, along with the required fee. He or she shall also submit proof satisfactory to the Board of the following:

a. That the applicant is at least eighteen years of age;

~~b. That the applicant has successfully completed high school or its equivalent;~~

e. b.B. That the applicant has never been convicted of a felony or other crime involving moral turpitude.

~~c.~~ c. That the applicant is of good moral character;

d. That the applicant is a citizen of the United States or has made application for citizenship; or provides written proof that he or she has the legal authority to reside and work in this country ; and

~~e.~~ e. That the applicant has successfully completed a two-year course in veterinary technology at a school approved by the Board.

~~2.4.~~ **3.5. Approved Schools** - The Board shall, ~~by before~~ January 1 of each year, prepare and update a list of approved schools of veterinary technology for the next full calendar year. ~~If an applicant for registration as a veterinary technician has completed his or her two-year course in veterinary technology at a school that does not appear on the Board's list of approved schools, the applicant may petition the Board in writing for appropriate relief.~~

~~2.5.~~ **3.6. Examination**- Except as is provided in subsection 2.7 of this section, each applicant is required to pass an examination, the content of which is prescribed by the Board. An applicant failing an examination ~~shall be~~ is eligible for reexamination, but shall pay for the reexamination and file a new application..

~~2.6. Written examination exemption~~—A written examination is not required of any applicant who:

~~a. Holds a valid certificate of registration from another state or territory which has a reciprocal registration agreement with this state, provided, that the applicant satisfies all the provisions of the reciprocal agreement of the reciprocating state.~~

~~2.7.~~ **2.6-3.7. Title** - The Board shall issue a certificate of registration to any person who has successfully completed the requirements of this rule. The certificate shall be displayed in the principal office of the veterinary facility work area of the person to whom it is issued. Any person so-registered has the right to use the title "Registered Veterinary Technician" and the

~~abbreviation "R.V.T." No other person shall use such title, abbreviation or any other words, letters, signs or figures to indicate they are a skilled technician in the science of veterinary technology nor shall any other person perform, advertise or offer himself or herself for employment in a manner indicative that he or she is so skilled or trained.~~

~~2.7.~~ **3.8. Former Titles-** Any person formerly titled as an Animal Technician Registered; an or "A.T.R.", may ~~and henceforth shall be allowed to assume~~ the abbreviation "R.V.T." as used in these rules, if his or her registration is current.

~~2.8.~~ **3.9. Restrictions** - No person registered as a veterinary technician, shall in any manner, indicate or imply that he or she is a licensed veterinarian. Persons registered as veterinary technicians may perform the skills of veterinary technology under the direct supervision of a licensed practicing veterinarian physically present on the premises. No veterinary technician shall perform surgery, make diagnoses or prescribe medication.

~~2.9.~~ **3.10. Removal of Registration** - The Board ~~has the power to~~ may deny, suspend or revoke a certificate of registration or to take other disciplinary action for a violation of the provisions of these rules, or for a determination that the person:

a. has presented to the Board dishonest or fraudulent evidence of qualification, has been guilty of fraud or deception in the process of examination or for the purpose of securing a certificate of registration;_;

b. is chronically or habitually intoxicated, has a chemical dependency or is addicted to drugs;_;

c. has been convicted of a felony;_; ~~under the laws of this or any other State of the United States or of the federal government of the United States;~~

d. has permitted or allowed another to use his or her certificate of registration to practice veterinary technology in this or any other state;_;

e. has committed fraud in the application or reporting of any test of animal disease;_;

~~f.~~ f. has paid or received any kickback, rebate, bonus, or other remuneration for referring a client to another provider of veterinary services or goods;_;

~~g.~~ g. has performed unauthorized treatment;_;

h. has aAn adjudication of insanity;

i. has been convicted of cCruelty to animals ;

j. has committed an act or acts of uUnprofessional conduct;

~~2.10-~~ **3.11. Hearings** - The Board shall afford a hearing to any applicant who is denied a certificate of registration and who requests a hearing within thirty days of notification of ~~such~~ the denial, or to any person against whom disciplinary action has been taken by the Board. The Board shall conduct the hearing in accordance with the provisions of ~~26 CSR 2 -~~ the Hearing and Complaint Procedures of the West Virginia Board of Veterinary Medicine.

~~2.11-~~ **3.12. Registration renewal.**

12.1. All registrations shall expire annually on December thirty first, but may be renewed upon payment of the renewal fee specified in the fee schedule established by the Board; in such schedule Title 26, Series 6 of the veterinary rules and regulations the Schedule of Fees. On December one of each year, the Board shall mail a notice to all registered veterinary technicians that their registration will expire on December thirty one, and the Board shall provide them with a form for annual registration renewal. A- The Board shall issue a certificate of renewal shall be issued to all persons who renew their registrations.

12.2. No person may use the title of or be referred to as a registered veterinary technician who does not have a current registration.

12.3. The Board shall make reasonable effort to notify all registered veterinary technicians of the renewal clause, but failure to receive such notification does not exempt anyone from meeting the requirements of this rule.

12.4. A registered veterinary technician shall notify the Board of any change of address or name, and forward the notice to the Board no later than the effective date of the change with the appropriate fee as specified in the Schedule of Fees. The RVT shall submit proof of legal name change with any name change request.

~~2.12-~~ **3.13. Renewal requirements.**

13.1. No person shall be authorized to renew registration unless he or she has complied with the following: To renew registration, a RVT shall

- a. ~~Has completed~~ Complete the annual registration renewal form;
- b. ~~Has provided~~ Provide written verification on the form by a licensed veterinarian that ~~the RVT~~ he or she is employed by the veterinarian and works under the direct supervision of a licensed veterinarian;
- c. ~~Certifies on~~ Certify the renewal form that ~~the RVT~~ he or she has completed the required six (6) classroom hours of continuing education during the year ending December thirty one, to renew for the year next beginning January one in a course or courses which have been approved as meeting the continuing education requirements for RVT's by the Board. ~~Such~~ The certification shall be signed in the presence of a notary public. No periods may be accumulated, carried forward, or held over past the calendar year in which the hours of continuing education were completed. New registrants are exempt from the continuing education requirement of this rule until the beginning of the immediately succeeding reporting period after obtaining registration.
- d. Lists the continuing education courses as required on the form, specifying the date or dates of ~~such~~ the courses, the number of classroom hours and the title of each course, as well as any other information required by the Board.

2.13- 3.14. Reinstatement of lapsed registration.

14.1. Any persons ~~Persons who were~~ was registered as a veterinary technicians in this state who allowed ~~their~~ his or her registration to lapse due to non-renewal may regain such registration no later than five (5) years from the date ~~such~~ the registration ended. ~~upon completion of the following~~

14.2. After five years have elapsed from the date of expiration, a registration may not be renewed, and the former registrant must make application for a new registration and take and pass the registration examinations;

- a. Proof of employment under the direct supervision of a licensed veterinarian during each of the years not renewed.
- b. Proof of having met the continuing education requirement of a minimum of six hours of classroom continuing education in an approved program during each of the years not renewed. Each years continuing education is to renew for the subsequent year.
- c. Payment of all delinquent fees from the last renewal date to current renewal period.